

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

Minutes
January 18, 2007
1:00 p.m.

The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Thursday, January 18, 2007 in Nashville, Tennessee at 1:00 p.m. Chairman John Jones and Commissioner Harlan Mathews were present. Although Commissioner Cynthia Bond was not in attendance, a quorum was present and the meeting was held. Executive Director Danielle Executive Director Danielle Elks, Assistant Director Carolyn Smith, CLEO Mark Hutchens, SAC Mike Cawthon and ASAC Andy Woodall, SA Brad Allison and SA Al Watson from the staff, were present.

1. The Minutes for December 14, 2006 Commission Meeting were approved.

2. RETAIL PACKAGE STORES

A. SYCAMORE WINE AND SPIRITS
MEMPHIS, TENNESSEE (SHELBY COUNTY)

Applicant: Dennis Reedy

Before the Commission is a request for a new retail package store to be located at 5798 Raleigh-LaGrange, in Memphis, Tennessee. Mr. Reedy intends to initially invest approximately \$75,000 in the business and operate the business as a sole proprietorship; financing is based upon a personal cd and a home equity loan with First South Credit Union. Mr. Reedy is renting the premises from Sycamore Commercial, LLC for \$1500/month with a three year term. All documentation has been submitted with the exception of the following:

Loan from credit union.

Discussion/Action Taken:

Director Elks reviewed the application for the Commissioners and stated that the staff had received the loan from credit union. Director Elks recommended approval. Commissioner Mathews made a motion to approve. Chairman Jones seconded the motion and it passed with 2 ayes.

B. BIG LEE LIQUORS
MEMPHIS, TENNESSEE (SHELBY COUNTY)

Seller: Charles and Patricia Lee

Applicant: Lucius and Jessica White

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Before the Commission is a request for a transfer of ownership of the retail package store located at 930 Kerr, in Memphis, Tennessee. Lucius and Jessica White intend to purchase the business from Charles and Patricia Lee for \$20,000. Mr. and Mrs. White intend to initially invest \$104,000 in the business; financing is based upon a home equity loan with Beneficial Finance Company. The Whites will be leasing the premises from Mohamed Alkabash and Aziz Mohamed Altarb for \$1000/month through October, 2008. (Rent will increase by \$50/month in 2008.) If approved, the applicants wish to change the business name to **J & L Liquors**. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Use and Occupancy Permit, and
- c. Loan Agreement.

Discussion/Action Taken:

Director Elks reviewed the application for the Commissioners and stated that the staff had received the TABC inspection, Use and Occupancy Permit and Loan Agreement. Director Elks recommended approval. Commissioner Mathews made a motion to approve. Chairman Jones seconded the motion and it passed with 2 ayes.

Commissioner Mathews made a motion to approve the name change to J & L Liquors and Chairman Jones seconded the motion and it passed with 2 ayes.

**C. B & B LIQUOR STORE
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Seller: Cindy Pham
Applicant: Lillie Diane Pegues

Before the Commission is a request for a transfer of ownership of the retail package store to be located at 681 Walnut Street, in Memphis, Tennessee. Ms. Lillie Pegues intends to purchase the business for \$32,000, and initially invest approximately \$47,000 in the business. Financing is based upon a \$16,000 IRA, and cash advance from credit card and existing personal funds. Ms. Pegues is renting the property from David Schatz for \$775.00/month for a period of three years. All documentation has been submitted with the exception of the following:

- a. Written acknowledgment from Ms. Pham that she will not sell lottery tickets at the retail store.

Discussion/Action Taken:

Director Elks reviewed the application for the Commissioners and stated that the staff had received the written acknowledgment from Ms. Pham that she will not sell lottery tickets at the retail store. Director Elks recommended approval. Commissioner Mathews made a motion to approve. Chairman Jones seconded the motion and it passed with 2 ayes.

3. WHOLESALE MATTERS

**TENNESSEE WINE AND SPIRITS COMPANY
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Licensee/Seller: Tennessee Wine & Spirits Company
Stockholder: John M. Hooper, II
Applicant/Buyer: John M. Hooper, III and Lisle C. Hooper

Before the Commission is a request for a transfer of partial ownership of the wholesale business located at 3710 Vulcan Drive, in Nashville, Tennessee. Mr. John M. Hooper, II, sole stockholder of the corporation, wishes to give/sell part of his stock to family members. Specifically, Mr. Hooper wishes to sell 47.6% of the stock to his son, John M. Hooper, III for \$4,115,498, and wishes to give 3.6% of the stock to his wife, Lisle Hooper. Mr. Hooper would retain majority ownership with 48.8% of the stock. All documentation has been submitted.

Discussion/Action Taken:

Ms. Jennifer Lawson, attorney for Tennessee Wine and Spirits Company, was present. Director Elks reviewed the application for the Commissioners and stated that all documentation had been submitted. Director Elks stated that the transfer was effective on January 1, 2007 and a citation has been issued and will be paid once the transfer is approved. Director Elks recommended approval. Commissioner Mathews made a motion to approve. Chairman Jones seconded the motion and it passed with 2 ayes.

4. ADMINISTRATIVE CITATIONS

A. ALICE KUSICH

On December 29, 2006, Alice Kusich sold an alcoholic beverage to a seventeen year-old minor at the Ms. Kelli's in Antioch, Tennessee. TABC SA Brad Allison witnessed the transaction. To date, the Respondent has not paid the citation.

Discussion/Action Taken:

Mr. David Collins, attorney for Ms. Kelli's, Alice Kusich, and Alex Kusich were present at the meeting. Assistant Director Carolyn Smith stated that a citation was issued by SA Brad Allison. SA Allison testified that on December 29, 2006 an undercover agent and himself entered Ms. Kelli's to observe the activities of the employees as well as the patrons inside the establishment. SA Allison stated that the undercover metro police officer and himself, saw three (3) groups of individuals that appeared to be under twenty-one (21) who were either in possession or drinking alcoholic beverages. SA Allison stated that while he was observing, at the bar, he observed a young female who appeared to be under twenty-one (21); however, she wore a wristband. The minor approached the bar and ordered two (2) beers from Ms. Kusich. Ms. Kusich served the beers to the minors and returned to the table. At that point, she gave the two beers to the other two females at the table. SAC Mike Cawthon approached the female and asked to see her ID. She presented him a fake ID. The ID was not her ID, but was a Texas ID issued to someone else. Agent Cawthon testified that it did not look anything like her. The minor was actually only 17 years old. She had used the ID to gain entrance into the establishment and obtain a wristband. The minor admitted the ID was not hers, but belonged to a friend. Mr. Collins stated the wristbands are issued to anyone over twenty-one (21) years of age, and X's are marked on the hand of anyone under twenty-one (21). SA Brad Allison and the metro police arrested six (6) individuals either in possession of alcohol or consumption of alcohol for under-age. Chairman Jones made a motion to uphold the administrative citation. Commissioner Mathews seconded the motion and it passed with 2 ayes.

B. CHRISTINE EMILY ISELE

On December 8, 2006, Christine Emily Isele sold an alcoholic beverage to an eighteen year-old confidential informant at Santa Fe Cattle Company, in Nashville, Tennessee. TABC SA Brad Allison witnessed the transaction. To date, the Respondent has not paid the citation.

Discussion/Action Taken:

Assistant Director Carolyn Smith stated that Christine Emily Isele has paid the citation; so therefore, no action is necessary.

C. ERIC ANTHONY MILLER

On December 8, 2006, Eric Anthony Miller sold an alcoholic beverage to eighteen year-old confidential informant at Chili's Too, in Nashville, Tennessee. TABC SA Brad Allison witnessed the transaction. To date, the Respondent has not paid the citation.

C. ERIC ANTHONY MILLER

On December 8, 2006, Eric Anthony Miller sold an alcoholic beverage to eighteen year-old confidential informant at Chili's Too, in Nashville, Tennessee. TABC SA Brad Allison witnessed the transaction. To date, the Respondent has not paid the citation.

Discussion/Action Taken:

Assistant Director Carolyn Smith stated that Eric Anthony Miller has paid the citation; so therefore, no action is necessary.

D. BERNARD TIJUAN EVANS

On December 8, 2006, Bernard Tijuan Evans sold an alcoholic beverage to eighteen year-old confidential informant at the Aquarium Restaurant, in Nashville, Tennessee. TABC SA Brad Allison witnessed the transaction. To date, the Respondent has not paid the citation.

Discussion/Action Taken:

Bernard Tijuan Evans was present at the meeting. Assistant Director Carolyn Smith stated that SA Brad Allison is testifying to the details of the matter. SA Allison stated that he issued an administrative citation to Bernard Evans on December 8, 2006. SA Allison stated that he observed his confidential informant, 18 years old, male, at the Aquarium Restaurant at Opry Mills Mall being served an alcoholic beverage at the bar area. Mr. Bernard Evans did not ask to see any ID, and he served the alcoholic beverage to the minor. Bernard Evans stated that he did not dispute the citation and admit that he was guilty and he wanted to set the citation on a payment plan. Assistant Director Carolyn Smith stated that she did not object to the administrative citation being set up on a payment plan. Commissioner Mathews made a motion to uphold the administrative citation. Chairman Jones seconded the motion and it passed with 2 ayes.

E. AMBER DAWN MILLER

On November 29, 2006, Amber Dawn Miller sold an alcoholic beverage to an eighteen year-old confidential informant at Old Hickory Package Store in Jackson, Tennessee. TABC SA Jim Lawson witnessed the transaction. To date, the Respondent has not paid the citation.

Discussion/Action Taken:

Assistant Director Carolyn Smith stated that Amber Dawn Miller has paid the citation; so therefore, no action is necessary.

F. CHRISTOPHER DON KIRK

On November 29, 2006, Christopher Don Kirk sold an alcoholic beverage to an eighteen year-old confidential informant at Pesto Picasso Bistro and Pizzeria. Identification was not checked. TABC SA Bobbie Rogers witnessed the transaction. To date, the Respondent has not paid the citation.

Discussion/Action Taken:

Assistant Director Carolyn Smith stated that Christopher Don Kirk has paid the citation; so therefore, no action is necessary.

- 5. SPECIAL OCCASION LICENSES**
- 6. CONSUMER EDUCATION SEMINAR LICENSES**
- 7. PERSONNEL**
- 8. BUDGET**
- 9. CONSENT ORDERS**
- 10. PENDING MATTERS LIST**
- 11. MISCELLANEOUS—AUDIT REVIEW**
- 12. DATE OF NEXT MEETING – February 15, 2007 at 1:00 p.m.**

There being no further business the meeting was adjourned.

Shari Danielle Elks
Executive Director

John A. Jones
Chairman

